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JULY 2008

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FOR PAKISTANI PARLIAMENTARIANS

Strengthening Democracy and Democratic Institutions in Pakistan

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# OVERSEAS PAKISTANI WORKERS:

## Significance and Issues of Migration

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# OVERSEAS PAKISTANI WORKERS:

## Significance and Issues of Migration

**PILDAT**  
 Pakistan Institute of  
 Legislative Development  
 And Transparency

PILDAT is an independent, non-partisan and not-for profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan

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### **Abbreviations and Acronyms**

<b>BEOE</b>	Bureau of Emigration and Overseas Employment
<b>ILO</b>	International Labour Organization
<b>OEP</b>	Overseas Employment Promoters
<b>PCHTO</b>	Protection and Control of Human Trafficking Ordinance
<b>OPF</b>	Overseas Pakistanis Foundation
<b>POEA</b>	Philippines Overseas Employment Administration
<b>DOLE</b>	Department of Labour Employment
<b>FIA</b>	Federal Investigation Agency
<b>UAE</b>	United Arab Emirates

## FOREWORD

Migration is considered to be one of the defining global issues of the early twenty-first century, as more and more people are on the move today than at any other point in human history. All of the world's nations are facing challenges associated with the new global regime of international migration in what has been termed the "Age of Migration". International migration has reached unprecedented scale, diversity and political, economic, social and demographic significance in Asia over the last decade. Policy makers and practitioners need to develop a comprehensive understanding of the phenomenon of migration in order to manage it effectively. A cooperative approach to international migration management is required to deal with the migration pressures of this century.

It is in this backdrop that PILDAT has prepared this briefing paper under its Parliamentary Strengthening Programme especially for Pakistani parliamentarians to enhance their awareness and understanding on issues relating to migration, its magnitude and impact on Pakistan, and the need for addressing the issues effectively especially at the legislative level. The paper also seeks to augment understanding of parliamentarians on the related policies and practices of the Government of Pakistan and how these compare with international best practices. It also looks to enhance awareness of the citizens and media in general on migration issues so that they may participate as informed stakeholders and communicate their views to the public representatives. PILDAT hopes that this briefing paper will result in increased awareness and, most importantly, an enhanced political will among key actors to address the issues and challenges of international migration.

## ACKNOWLEDGEMENTS

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## DISCLAIMER

The PILDAT and its team of researchers have made every effort to ensure the accuracy of the contents of this paper and do not accept responsibility for any omission and error as it is not deliberate. The views expressed in this paper belong to the authors and are not necessarily shared by the Solidarity Center.

## Migration - a Global Phenomenon

The world we live in today is changing rapidly and migration is seen to be a key contributor to this change. Migration is being recognised as a central dimension of globalisation touching almost all countries around the world, either as points of origin, transit or destination for migrants or even all three at once. Globalisation leads to increased pressures and opportunities for people to move from one country to another. Nations across the globe are facing challenges associated with the new global regime of international migration in what has been termed the 'Age of Migration' and 'a new era of mobility.'

Migration is the act or process of people moving from one place to another with the intent of staying at the destination permanently or for a relatively long period of time<sup>1</sup>. Migration is determined and influenced by a broad range of conditions in the sending and receiving countries. People migrate within regions or from one region to another for a variety of reasons and these may be described as 'Push and Pull Factors.' These include economic reasons (to find work, improve financial conditions etc.), social reasons (for a better quality of life or to be closer to family or friends), political reasons (e.g. to avoid repression or discrimination) and environmental reasons (natural disasters such as floods or drought). Although there is nothing intrinsically new about these factors, yet they are gaining in significance, due to global economic, political, technological and cultural changes. People are increasingly moving across national borders in an effort to improve their own and their family's well-being. The forces underlying these trends are unlikely to reverse so that these international movements of people will continue and are most likely to increase in the future.

More people live outside their country of origin today than at any time in history, and the numbers of people who move across international borders in search of a new home are expected to rise in the future. According to one estimate, 3.5 million to 4 million migrants cross borders without authorization every year. Despite increased efforts at border control, "about 500,000 additional migrants enter the USA without authorisation every year" (Koser 2007: 59). Globally, some 175 million people lived outside their country of origin in 2002; by 2005 this number increased to around 191 million which corresponds to 3% of the world population. This figure is projected to reach 230 million by 2050 (UNFPA, 2004). This means that roughly one of every

thirty-five persons in the world is a migrant. Between 1965 and 1990, the number of international migrants increased by 45 million-an annual growth rate of about 2.1 per cent.<sup>2</sup> The current annual growth rate is about 2.9 per cent. According to United Nations, 64 million migrants live in Europe representing 8.8% of the European population, 53 million live in Asia representing the 1.4% of the Asian population, and 45 million live in United States representing 13.5% of the U.S. Population.<sup>3</sup> Table 1 shows their distribution.

**Table 1: Migrants Living in Different Regions of the World**

Regions	No. in millions	Percentage of the Total Population
Europe	64 millions	8.80%
Asia	53 millions	1.40%
United States	45 millions	13.50%

## Migration from Pakistan

Pakistan as a populous country has seen an increasing number of its labour force moving to other countries around the world with the total number of Pakistani overseas workers and their families estimated to be around 4 million. Over the past 60 years migration from Pakistan to other countries has largely been for seeking better economic opportunities and benefits to individuals, their families and communities. Unfavourable socio-economic conditions and uncertain political circumstances over the years have acted as an impetus and a push factor in the growing numbers of Pakistani's travelling from their country of abode to other countries in Europe, North America, East Asia and the Gulf States. Workers from Pakistan migrated to the UK and other Western countries in the 1950s and 1960s. These migrants were mostly men and relatively little educated who took up low-paid industrial jobs in the UK. The male migration gave rise to the migration of families in these countries.

It was after the oil boom in the 1970s that a great avenue was opened in the countries of the Gulf which has today become the principal destination of Pakistani workers.

Since the late 1980s and early 1990s, there have been new waves of migration by young men to the European

<sup>1</sup> "Geographic vocabulary" Available at [http://www.cbsd.org/holicong/jendorman/PA\\_socialstudies\\_standards\\_vocabulary.htm](http://www.cbsd.org/holicong/jendorman/PA_socialstudies_standards_vocabulary.htm) Viewed on 30 May 2008.

<sup>2</sup> "About Migration", International Organization for Migration, Available at <http://www.iom.int/jahia/Jahia/lang/en/pid/3> Viewed on 30 May 2008.

<sup>3</sup> "Regional and Country Figures", International Organization for Migration, Available at <http://www.iom.int/jahia/Jahia/pid/255> viewed on 30 May, 2008.

countries and North America.<sup>4</sup> Emigration to developed countries has, by and large, involved young men from better off and upwardly mobile families and communities in Pakistan. Because of the high costs involved in overseas migration, it is much harder for the poorest strata in Pakistan to participate in the migration process (Gazdar 2003). An increasing number of Pakistanis have in the past decade or more been leaving their country of abode for higher educational.

At the same time the general pattern of migration to developed countries has been changing; greater numbers of less educated young men are now taking their chances and overstaying their visitor visas. These young men are relatively less likely to be able to settle in their countries of destination or to bring their families with them. (Haris Gazdar). However post 9/11 has seen a growing number of restrictions on migrants especially from Muslim countries like Pakistan with many being deported back to their

countries of origin.

### Magnitude of Pakistani Migrant Workers and their Geographical Distribution

According to the estimates of the Emigration Pakistan, over 4 Million Pakistani Migrant Workers live around the globe. This corresponds to around 2.5 % of the total population of the country and is roughly in line with the global percentage of migrants.

An estimated 94 % population of Pakistani Migrant Workers is concentrated in 6 countries of the Gulf which are Saudi Arabia, United Arab Emirates (UAE), Kuwait, Qatar, Bahrain and Oman. 80 % of Pakistani Migrant Workers are seen to be located in just two countries, Saudi Arabia and UAE. Table 2 shows the country-wise number of Pakistani Migrant Workers.

**Table 2: Number of Pakistanis Overseas by Countries during 1971- 2007**

No.	Countries	1971-2000	2001	2002	2003	2004	2005	2006	2007	Total	Country total as percentage of the total
1	Saudi Arabia	1648279	97262	104783	126397	70896	35117	45594	84587	2212975	53.20%
2	U.A.E	626705	18421	34113	61329	65786	73642	100207	139405	1119608	26.90%
3	Oman	212131	3802	95	6911	8982	8019	12614	32474	285028	06.80%
4	Kuwait	106307	440	3204	12087	18498	7185	10545	14544	172810	04.10%
5	Bahrain	65987	1173	1022	809	855	1612	1630	2615	75703	01.80%
6	Iraq	68132	1	0	0	0	0	0	0	68133	01.60%
7	Libya	63701	713	781	1374	375	261	67	450	67722	01.62%
8	Qatar	50481	1633	480	367	2383	2175	2247	5006	64772	01.55%
9	Malaysia	1993	64	59	114	65	7690	4757	1190	15932	0.38%
10	South Korea	3634	271	564	2144	2474	1970	1082	434	12573	0.30%
11	U.K	1059	800	703	858	1419	1611	1741	1111	9302	0.22%
12	U.S.A	802	788	310	140	130	238	202	297	2907	0.06%
13	Japan	91	24	10	12	12	22	53	33	257	0.01%

Source: Bureau of Emigration (Government of Pakistan)

<sup>4</sup> Harris Gazdar, "A Review of Migration issues in Pakistan", Pg: 9, Available at [www.livelihoods.org/hot\\_topics/docs/Dhaka\\_CP\\_4.pdf](http://www.livelihoods.org/hot_topics/docs/Dhaka_CP_4.pdf), viewed on 2<sup>nd</sup> June, 2008.

While the Middle East still continues to be a major destination for unskilled, semi-skilled and skilled workers mostly from twenty or so districts in Pakistan, the flow of emigrants to the region has stabilised since late 1980s. Unlike other labour sending countries such as, India and the Philippines, Pakistan has not been able to diversify the countries of destination for its workforce.

### Profile of Pakistani Migrant Workers

Illiterate and unskilled workers constitute around 50 % of the total Pakistani Migrant Workers. 40% of the total Migrant Workers are categorised as Manual Labourers. Only 2.2 % workers can be categorised as White-collar workers such as Doctors, Engineers, Accountants, Managers and teachers, etc. 40% workers may be classified as Skilled Workers. Among the skilled labourers, drivers are in the highest number followed by masons, carpenters and tailors. 85% of Pakistani Migrant Workers leave their families behind in Pakistan. An estimated 52% of the Pakistani Migrant Workers is from the Punjab province while 9.4% come from Sindh, 25% from the NWFP, 1.3% from Balochistan, 5.4% from Tribal Areas( and Northern Areas) NWFP and 6.5% from Kashmir (AJK). This shows that the Punjab province is over-represented and the NWFP combined with the adjoining Tribal Areas has a share in the Gulf labour force which is twice its share in the population, while the other provinces Sindh and Balochistan are under-represented among migrant workers.

### Trends in Pakistani Workers' Migration

Approximately, 287,000 workers left for foreign destinations during 2007. Since 2001 this number has increased from 127,929 by about 124 %. In 2001, Saudi Arabia was the destination of the highest percentage (76 %) of Migrant Workers. Saudi Arabia has retained its position as the most favourite destination for Pakistani Migrant Workers but its share has gradually decreased to 29 % in 2007. On the other hand the percentage of Migrant Workers travelling to UAE has steadily increased from 14 % in 2001 to 48 % in 2007. Over the years Middle East has more or less retained its dominant share of Pakistani Migrant Workers which has changed from 94 % in 1971-2000 periods to 97 % in 2007. It does not seem probable that this share will undergo any substantial change in the coming decade. Table 4 shows the number of various categories of Pakistani Migrant Workers travelling during the past 37 years.

**Table 3: Provincial Background of Pakistani Labour Force**

(Based on labour force which left Pakistan during 1981-2006)

Regions	No. in millions	Percentage in total pool of labour force
Punjab	1,841,487	52%
Sindh	337,178	9.4%
NWFP	903,051	25%
Balochistan	47,285	1.3%
Tribal Areas (and Northern Areas) NWFP	192,747	5.4%
Balochistan	230,749	6.5%

Source: Bureau of Emigration (Government of Pakistan)

**Table 4: Numbers of Pakistani Workers Overseas by Categories during 1971-2007**

No.	Categories	1971-2000	2001	2002	2003	2004	2005	2006	2007	Total	Percentage of Professional Migrants
1	Labourer	1104353	41074	46726	73318	66650	54735	75098	130890	1592844	38.30%
2	Driver	267078	18467	17984	21182	14830	11626	14114	26501	391782	9.40%
3	Mason	218229	11083	11312	16415	13645	9685	9700	16213	306282	7.30%
4	Carpenter	151112	7304	9954	13355	11231	8027	8861	12787	222631	5.35%
5	Electrician	97623	4718	6570	8614	6024	4201	5688	8560	141998	3.40%
6	Engineer	18338	1227	861	821	880	951	1355	2171	26604	0.63%
7	Doctor	4469	616	506	402	431	534	509	463	7930	0.19%

Source: Bureau of Emigration (Government of Pakistan)

### State Policy, Laws and Regulations governing Pakistani Migrant Workers

The UN Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990, is the only UN instrument with direct relevance to irregular or undocumented migrant workers. Prior to the Convention, undocumented migrants had either been explicitly excluded from coverage or had been ignored as a distinct class under the provisions of virtually all existing human rights instruments, both international and regional. The sole exception was ILO Convention No. 143, which guarantees "equality of treatment for (the undocumented migrant worker) and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits."<sup>5</sup>

There is no formally declared policy of the Government of Pakistan on Migration and Pakistani Migrant Workers. It is, however, understood, that the Government intends to formulate, approve and declare such a policy and drafting work on the policy is in progress. Unless such a policy is declared, it is difficult to analyse or comment on the policy. It is understood that the Government of Pakistan is keen to promote the placement of Pakistani Workers in foreign countries and plans to be proactive in not only retaining the current markets for its workers but in discovering new markets around the world. It is also understood that the Government of Pakistan wants to curb all sorts of malpractices and irregularities in processing the placement of Pakistani Workers outside Pakistan.

Pakistan's Labour Policy 2002, Labour Protection Policy 2005, and the related legislation currently in the process of revision and consolidation, provide a framework for worker protection but also seek to encourage increased efficiency and competitiveness on the part of the nation's enterprises. However, it would not be out of place to mention that the Labour Policy 2002 does not even mention Pakistani workers overseas or migrant workers in Pakistan. Policies and laws, although important in providing guidelines and legally enforceable standards, respectively, mean relatively little unless arrangements are in place to ensure the highest possible degree of compliance with legal provisions.

The legal framework meant to safeguard the rights of Pakistani Migrant workers and regulate the activities of overseas employment promoters and recruiting agencies is contained in the Emigration Ordinance (1979) and the Emigration Rules (1979). Two basic functions of the Emigration Ordinance are to reduce unemployment within the country and to earn foreign exchange through salary remittances from workers abroad. According to Pakistani law, no one can leave Pakistan for overseas employment on an employment Visa unless they are registered in the Office of Protector of Emigrants and have a certificate of registration stamped on their passport.

The Protector of Emigrants directly supervises the activities of overseas employment promoters (OEPs). The Government of Pakistan applies pre-defined criteria for granting license to private recruitment agents and overseas employment promoters. Once the license is granted according to the rules and regulations, the Protector of

<sup>5</sup> Article 9(1) of UN Convention on Protection of Rights of Migrant Workers and their Families.

Emigrants is supposed to monitor their performance. Prevention and Control of Human Trafficking Ordinance, 2002 is also a part of the legal framework provided by the

Government of Pakistan to control and regulate migration from Pakistan.

**Table 5: Key Points of the Emigration Ordinance 1979**

Section	Keypoints
Section 1-3	This first sections define and explain the terms such as Emigrant, Director-General, Overseas Employment Promoter etc.
Section 3-7	These sections provide the information for the appointment and functions of the Director-General, Protector of Emigrants and the Labour Attaché.
Section 8	This section regulates the Overseas Employment.
Section 12-15	These sections regulate the activities of overseas employment promoters and agencies by establishing procedures for licensing, recruitment and protection of workers against malpractices. The Protector of Emigrants directly supervises the activities of Overseas Employment Promoters (OEPs).
Section 16	This section lays down overall rules for Licensing, accommodation for emigrants, the powers and duties of officers, creation of welfare funds for Emigrants, etc.
Section 17-25	These sections lay out details about defining and dealing with unlawful migration, the offences and penalties related to this. Details are also mentioned about the set up of special courts when required.

Federal Ministry of Labour, Manpower and Overseas Pakistanis is the focal point for initiating, working and implementing policies relating to Pakistani Migrant Workers. Its Overseas Pakistanis Wing was lately upgraded to a full division and a Minister of State was appointed during the 2002-07 Government to exclusively look after this division. Government had created an Overseas Pakistanis Foundation (OPF) under the Chairmanship of the Federal Minister for Labour, Manpower and Overseas Pakistanis. The OPF has been charged with the responsibility of ensuring welfare of Pakistani Migrant Workers. Most of the Embassies and Consulates of Pakistan in the countries of sizeable presence of Pakistani Migrant Workers have Community Welfare Councillors and Attachés whose primary function is to ensure the welfare of Pakistani Migrant Workers, promote employment of Pakistani Workers and act as the representatives of the Ministry in implementing the laws and regulations relating to the migration of Pakistani Workers.

### Comparison of Migration Polices with other Countries

The employment policies of Bangladesh, India, and Sri Lanka are quite similar and these include good working

conditions, good wages and employment agent doing most of the job, etc. When it comes to migration policies, Philippines has a different set of laws. In fact, Philippines follows the best practices in the realm of migration. The government of the Philippines has provided immense support and has laid down minimum standards of treatment for its migrant workers. The Immigration Act of 1940 is the cornerstone of the Philippine Immigration Law.<sup>6</sup> About 10 Million Philippines' citizens are living outside the country.

Overseas employment became an official policy in 1974 with the signing of the Labour Code by the Philippines Government. The Philippines Overseas Employment Administration (POEA) is an agency attached to the Department of Labour and Employment (DOLE), which is responsible for managing the country's Overseas Employment Programme. The POEA was created in 1982 through Presidential Decree No. 797 to promote and develop the Overseas Employment Programme and protect the rights of migrant workers.<sup>7</sup> The POEA works for ensuring fair employment terms and conditions, good living conditions, better wages, addressing recruitment abuses, following measures to regulate recruitment and have adequate exit controls, welfare funds for migrant workers, foreign market development, remittances, return and

<sup>6</sup> "Immigration Regulation" Available at <http://www.littlerglobal.com/index.cfm?event=ImmigrationRegulations&country=68> viewed on 2 June 2008.

<sup>7</sup> "About POEA" Available at <http://www.poea.gov.ph/html/aboutus.html> viewed on 30 May 2008.

reintegration or returnee migrants.

Both Pakistan and Philippines have encouraged migration especially for employment and flow of remittances. According to the Bureau of Emigration, about 4 million Pakistanis are living around the globe while about 10 million migrated from Philippines to various parts of the world. The trend of migration is different in both the countries. About 94% of the migrants from Pakistan move to Middle-Eastern countries. Although a large number of migrants from Philippines migrate towards Middle-East, but still Philippines have had greater access to markets globally than Pakistan. Statistics prepared by the POEA in late 2007 explains the trend of Philippines Migrant workers. Details are shown in Table 6.<sup>8</sup>

**Table 6: Number of Overseas Philippines Migrant Workers Region-Wise (2006)**

Regions	No of Migrants	Percentage of Migrants
Middle-East	207,633	68%
Asia	74,645	24%
America	8125	2.60%
Europe	6954	2.20%
Africa	2559	0.80%
Oceania	1968	0.60%
Trust Territories	788	0.26%
Total	302,672	

The system for registration in Philippines includes both new hired migrants as well as who are rehired by their employers while Pakistan's system only takes into account the migrants re-hired by the same employer only if they are re-hired under a fresh contract. Along with this, migration from Pakistan other than on the employment visa is not included in the migration for employment statistics.

Another difference that greatly affects the migrants is the post-departure programme. Migrants from Pakistan usually do not know the situation of the receiving country, at times not even the language they speak. Things are different in Philippines as those emigrating are given a detailed training which helps them to know about the receiving country.

Another significant difference between these two countries is about women's participation. In Pakistan, women less than 45 years of age are not allowed to migrate so as to control the threat of trafficking. The system in Philippines has encouraged women migration enormously in the past few years and this not only includes the labour class but a diverse group of technical and professional workers. Presently, According to the POEA, the number of women migrants is approximately near 60% of the total migrant population.

The data for return migrants is an important issue that needs to be dealt with effectively in Pakistan. In Philippines, over a period of time they have been able to monitor migrants returning to their country, which reduces the risk of illegal migration.

The trade unions in Philippines are working efficiently and provide networking opportunities for migrants in the receiving countries, while Pakistani migrants can not raise their voices against any hardships or problems suffered by them.

## Illegal and Unsafe Migration

### What Is Illegal and Unsafe Migration?

Illegal migration refers to migration across national borders in a way that violates the immigration laws of either the country of origin or the destination country. Under this definition, an illegal immigrant is a foreigner who either has illegally crossed an international political border, be it by land, water, or air, or a foreigner who has entered a country legally but then has overstayed his/her visa.<sup>9</sup> People opt for illegal migration even though they know the consequences they will have to go through if they are caught. A lot of people even die before reaching out to the destination. Restrictive immigration policies of western countries could even lead to the educated class to follow illegal means if the poverty conditions in the country force them to do so. One of the reasons for the illegal migrants could be high cost of migration. People tend to find the illegal ways as cheaper when compared to the actual cost. Another reason could be lack of access to information regarding regular migration practices and procedures. The middle man involved in the process at times tends to misguide the people, especially women.

<sup>8</sup> Available at <http://www.poea.gov.ph/html/statistics.html> viewed on 18th June 2008

<sup>9</sup> "Illegal Immigration" Available at [http://en.wikipedia.org/wiki/Illegal\\_immigration](http://en.wikipedia.org/wiki/Illegal_immigration) viewed on 30 May 2008.

The Assistant Director FIA, in a Workshop in 2007, explained the following as the ways to illegally move to any country:<sup>10</sup>

- Those who are already abroad in some employment and switch over to the other job, without returning back to Pakistan
- Those who visit abroad for any other purpose and secure employment without getting through the process of OEC/PO
- Illegal immigrants who either travel without travel documents through un-authorized routes or travel with fake/fraudulent document
- Job-seekers who travel on pretext of sight seeing/tourism or visiting relation

Unfortunately the access to the data of illegal migrants or those who are deported to Pakistan for violating the laws on migration is very limited therefore it is difficult to assess the real size of the problem. Despite increased efforts at the border control, an estimated 3.5 million to 4 million manage to migrate without authorisation every year.<sup>11</sup> In today's world, especially after September 11, 2001, security has been tightened almost everywhere around the globe and it is not an easy task to migrate illegally; however illegal migration continues in the shape of reported mass deportation of illegal Pakistani migrants from countries such as Oman, Turkey and Greece. Table 7 below shows Pakistanis deported from Muscat/Dubai from 2004-2007.

**Table 7: Pakistanis deported from Muscat /Dubai**

Year	No. of Deportation
2004	10301
2005	10004
2006	7967
2007 Jan-July	34461

Source: Federal Investigation Agency (Government of Pakistan)

Smuggling is another method to migrate illegally to another country. Smugglers are like travel agents acting in an illegal manner. Smuggling simply involves payment of a fee against services provided for facilitating an illegal passage across international borders. Mostly the reasons for these illegal migrations include escaping negative or dangerous situations, poor conditions, jobs unavailability and political instability, etc.

<sup>10</sup> Assistant Director FIA in "Coalition Building Workshop", Oct 23-24 2007, Islamabad.

<sup>11</sup> Sattar.Adnan, "Migration Trafficking Nexus-The Case of Pakistan" April 2008, pp 12

<sup>12</sup> "Prevention and Control of Human Trafficking Ordinance 2002", Section 2, Available at [http://www.fia.gov.pk/dep\\_about\\_traff.htm](http://www.fia.gov.pk/dep_about_traff.htm) viewed on 2 June 2008

<sup>13</sup> Sattar.Adnan, "Migration-Trafficking Nexus The Case of Pakistan", April 2008 pg33

<sup>14</sup> "Prevention of Human Trafficking Ordinance 2002", An Ordinance, Available at <http://www.fia.gov.pk/pchto2002.htm> viewed on 2nd June 2008.

## How Illegal Migration Converts into Human Trafficking?

Human Trafficking is a subset of human smuggling, which itself is a subset of illegal migration. What distinguishes trafficking from smuggling is the fact that it involves the movement of people for the purposes of exploitation, whether to serve as prostitutes or as forced labourers in a sweatshop. Another key difference is the element of coercion. Human trafficking is defined in Section 2 of the Prevention and Control of Human trafficking Ordinance, 2002 of Pakistan as under:

"Human Trafficking means obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, not withstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person's subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes laid down by law."<sup>12</sup>

Behind drugs and small arms trade, trafficking has been termed as the third largest criminal industry in the world today. Pakistani women have been trafficked into various parts of the world, especially Gulf countries for the purpose of sexual exploitation. A lot of women migrate by temporary marriages to local or Arab citizens. People used to take women along with them as maids and later on they were trafficked but now the Emigration Ordinance Rules prohibits women under 45 to emigrate to work as maids.

Trafficking of young boys between the ages of 7-15 to Middle Eastern countries as Camel Jockeys was also a common practice. The young kids were preferred for the reason that they were smaller and weighed less, so the camels could run faster. Later on in 2002 the UAE government put a ban on children under 15 years of age and weighing less than 45 kilograms.<sup>13</sup>

Various local laws were applied to the people involved in human trafficking. It was in the year 2002 that an ordinance was promulgated known as the Prevention and Control of Human Trafficking Ordinance.<sup>14</sup> It clearly defines the offence of human trafficking and all of its forms and manifestations. (Section-2). According to the law, all offences under this ordinance have been declared as cognisable, non-bailable

& non-compoundable. (Section-8)<sup>15</sup>. It declares punishment for seven years in prison, extendable to ten years where abduction or kidnaping is involved.

The Government of Pakistan has also notified rules under this ordinance called Prevention & Control of Human Trafficking Rules 2004, which provides guidelines for dealing with issues relating to support to the victim, providing legal aid to the victims, (clause 6), establishment of special funds for repatriating of victims, (clause 7) etc. Establishment of Anti Trafficking Unit was another milestone. Its main tasks are to prevent & protect victims of trafficking, to investigate cases and prosecute culprits, to build a database of human traffickers.<sup>16</sup>

## How Migration Affects Pakistan

### Remittances

One of the most profound and positive effect of migration of Pakistani Workers has been in the form of remittances sent home by these workers. While remittances were an important source of earning foreign exchange after exports prior to 9/11, they have registered a tremendous growth post 9/11 as informal means of remitting money came under increased scrutiny. Average annual remittances were

to the tune of US \$ 1.5 Billion during the pre-9/11 era. This figure jumped two and a half times to US \$ 3.6 Billion in the post-9/11 period. During 2006-07 the remittances touched an all time high of US \$ 5.5 Billion. For a country like Pakistan which has very few avenues to earn foreign exchange, these remittances play an important role in sustaining national economy and constitute a share of around 3 to 5 % of the GDP. These remittances have also played an important role in stemming the tide of poverty in the country where the percentage of people living below the poverty line is nearly 24% as per the figures for the year 2007.<sup>17</sup>

At an individual level, money sent home by migrants constitutes the second largest financial inflow to many developing countries, exceeding international aid.<sup>16</sup> Remittances directly augment the income of recipient households. In addition to providing financial resources for poor households, they affect poverty and welfare through indirect multiplier effects and also macroeconomic effects. Remittances finance education, health, and entrepreneurship and are associated with increased household investments in education, entrepreneurship, and health all of which have a high social return in most circumstances. (Migration Policy Institute-Policy Brief June 2007).

**Table 8: Overseas Pakistani Workers Remittances (2001-2007)**

Years	Remittances	% share of GDP	Major Countries			
			Middle-East	Europe	North America	Other Countries
2001-02	2389.05	3.3	1070.57	171.92	98.42	299.25
2002-03	4236.85	5.1	1891.95	309.59	1252.71	735.78
2003-04	3871.58	3.9	1614.32	390.65	1247.99	573.21
2004-05	4186.79	3.7	1851.96	444	1342.57	513.78
2005-06	4600.12	2.9	2081.26	514.5	1324.2	686.13
2005-06 July-April	3629.68	2.5	1617.81	406.85	1059.72	534.52
2006-07 July-April	4450.12	3.1	2111.1	435.65	1245.74	655.5

Source: Bureau of Emigration (Government of Pakistan)

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.<sup>17</sup> World Bank Annual Report 2007.

<sup>18</sup> Mansoor Ali.M & Bryce Quillin, "Migration and Remittances", The World Bank, 2006, Available at [http://siteresources.worldbank.org/INTECA/Resources/257896-1167856389505/Migration\\_FullReport.pdf](http://siteresources.worldbank.org/INTECA/Resources/257896-1167856389505/Migration_FullReport.pdf) viewed on 3rd June 2008

This table shows that remittances from these workers have a good share in the annual GDP of Pakistan. Most of these remittances are coming from Middle- Eastern countries as majority of Pakistanis are employed in these areas.

### Image

The growing number of Pakistanis travelling overseas as migrant workers has increased the international exposure of Pakistan and Pakistanis and has proved to be a mixed blessing. In general, Pakistanis have been regarded as hard-working, law-abiding and enterprising people. This has enhanced the image of Pakistani manpower and that of the country as a whole. On the other hand, a few but highly played up cases of Pakistani migrant workers engaging in illegal practices during the migration process or afterwards has also tarnished the country's image. The fact that around 85 % of our migrant workers are illiterate also weighs heavily against the reputation of the country. The image of the country has varied in countries with the composition of the Pakistani migrant workers. In the Middle East and the UK, since most of the migrants came from no or low education background, Pakistan and Pakistanis have a different image from the one in the US, for example, where the proportion of white collared workers is much higher.

### Socially

Migration has tremendously helped the marginalised communities and individuals especially in the rural areas of Pakistan. A new middle-class has emerged which has somewhat shaken the ages-old class-based structure of the society in the rural areas. This has helped in the promotion of a democratic polity as many from this new middle class are playing a role in the political and democratic process of the country. The standard of living of many of these returnee migrants and / or their dependents has undergone significant improvement. Improved economic conditions and awareness have promoted the trend of sending their children for education.

### Brain Drain

A negative effect of the mass-scale migration of professionals and skilled workers has been what is often referred to as the 'Brain Drain'. It is often debated the remittance of funds by the ones who leave the country as a result of brain drain is a good substitute for these

individuals actually staying in the country and working. Although research done on the impact of remittances points to major improvements at the household level such as enhanced propensity among remittance receiving families to send children to schools and better health care facilities, as well as the multiplier effect resulting from increased spending, (Adnan Sattar) but that idea is valid only to a minimal extent as there can be no substitute for services these professionals could be rendering for the country by staying and adding to a far rapid economic, scientific and technological development of the country.

The subject is arguable but undoubtedly the migration of professionals in whom Pakistan has invested heavily deprives the country of its valuable human capital.

### Key Issues related to Migration and How to Address those - especially by the Parliament and Parliamentarians

#### Exploitation of Intending Migrant Workers in Pakistan

Low literacy rate is one of the reasons for the exploitation of intending migrant workers in the sending country. It is difficult for them to understand the rules and regulations of the whole process of migration, to understand their legitimate rights, to even understand the local laws about their own country. There is no concept of training programme by the labour exporting countries, creating confusions in the minds of migrant workers as most of them already come from illiterate background.

The Government should put up the recruiting agencies for accountability so that they could facilitate the workers who wish to go and work abroad rather than making hindrances for them. The rules and procedures should also be made simpler for them to understand. A common man should be able to reach out to a platform where his voice could be heard.

Growing poverty is also one of the reasons that forces people to migrate to other countries. Due to the high migration costs through proper channel, a lot of people tend to get entrapped by the smugglers or traffickers, at rates lesser to that of the regular prices. Charges of illegal border crossing at present are said to be Rs. 25,000 while legal

channel would cost anywhere between Rs 80,000 to 300,000. The paid amount could be more in case of illegal immigration to USA, Canada or Australia. Many families, particularly in rural areas who cannot afford high costs, take the risk of sending their members abroad illegally to improve their well-being.<sup>19</sup> In the first quarter of 2008 alone, as many as 1200 people were deported back. Many of them being treated as criminals and are prosecuted under the Passport Act and the Emigration Ordinance.<sup>20</sup> A few people get through, a few die even before reaching the destination, and most of them get deported due to strict security arrangements everywhere in the world now. This would affect their families emotionally as well financially because the money that they give to the agents goes down the drain.

Such exploitations of intending migrant workers could be avoided by proper training and guidance to the migrants about the receiving country, printed brochures containing useful information should also be distributed among the migrant workers before their departure.

### Exploitation of Migrant Workers Abroad

The first problem that the migrants have to face in the receiving country is about the language of the destination country. For instance about 48% of the migrant population from Pakistan moves to Middle-Eastern countries and very few of them can speak or understand Arabic. Migrant workers should get basic language training so at least they can communicate with the native people.

The maltreatment meted out to the labour class happens at a lot of work places. Labour Attachés in Pakistan Embassies are usually there to cater to such problems. Labour Attachés should be properly trained to tackle such problems. Migrant workers usually have to face the problem of wages. Either they are paid very less or not paid at all for long time. Along with all this, they are not given proper medical, nutritional and recreational facilities since there are no trade unions, the voices of these migrants can not be heard, but the Labour Attaché' should try to reduce this gap to cater to there common problems.

### Unsafe Migration Practices

People seeking to migrate are not only from poor background but also educated young minds are seeking to move to other countries to earn a better living. However

stringent immigration procedures make it difficult for them to go through the formal legal process, and many of these intending migrants try to opt for illegal ways. These include illegal stay in the countries, paying money to people for getting the visa, trying to cross borders illegally, etc. Although the Federal Investigation Agency - FIA, strictly monitors the outflow of Pakistanis, many succeed to leave the country illegally. If deported, these individuals face stern action against them. According to Protection and Control of Human Trafficking Ordinance 2002, Section 8, the punishment is for seven years and non-bailable, it increases for ten years if the case is for abduction or kidnapping.

In order to effectively deal with this issue security at borders should be tightened. The migration trends should be closely monitored and checked for transparency. Accountability of officials in the concerned departments dealing with the process of migration needs to be ensured while protection of women migrants should also be prioritised, as they are prone to trafficking.

### Families Left Behind

A lot of people working abroad cannot take their families along with them due to visa difficulties etc. They prefer monetary gains over their family lives. Many of them do not visit their families even for months and some not even for years. This creates emotional disparities between them. This is due to the job conditions in the country as generally people believe that they get paid well when they are working abroad.

### Resettlement of Returnee Migrants

Migration is a process that is not only useful for the migrant but the country as well. These people find it difficult to settle in their own country as lesser opportunities are available to them. Government of Pakistan has not been able to formulate policies for returnee migrants. When these migrants come back, they find it difficult to decide where to invest their money. Accurate details about the number of returnee migrants are not available currently which makes another hindrance for the Government to make policies regarding this matter.

<sup>19</sup> Sattar.Adnan, "Migration-Trafficking Nexus The Case of Pakistan", April 2008 pg32.

<sup>20</sup> Ibid

## Absence of Pakistani Workers Unions catering to Pakistani Migrant Workers

Most Pakistani workers are not allowed to form unions in the country to which they migrate. They are not treated at par with the local workers. In Middle-Eastern countries such activities are totally prohibited so they are deprived to raise their voices against the atrocities against them or injustices done to them.

## Voting Rights of Migrant Workers

Pakistani workers do not enjoy voting rights when they are in other countries. The example of Saudi Arabia could be taken into consideration. There are approximately 2 million Pakistanis living in Saudi Arabia, which is geographically almost 4 times larger than Pakistan. Pakistanis are living at scattered places and most of them live in camps, which makes it difficult to approach them. So voting process could be difficult as well as time consuming over there.

## Brain Drain

The number of Pakistanis who wish to settle abroad is rising every year and the ones who are migrating coincidentally are the educated ones, contributing alarmingly to the growing crisis of the Pakistani brain drain. For the economic, scientific and technological development of the country, these people must stay in the country. The Government needs to take this issue and take some initiatives so that they prefer staying in their own country rather than moving abroad.

## Low Wages of Pakistani Migrant Workers due to Poor Training and Education

International market nowadays is very competitive and due to growing numbers of largely Philippines and Sri-Lankan low paid workers abroad, Pakistani workers are low paid too. Indian workers also leave their country at low wages due to poverty in India so Pakistani workers resultantly suffer. Another reason for low wages is un-skilled workers from Pakistan which are the majority of migrant work force. Naturally skilled workers have an advantage over Pakistanis in this area. Other countries are training and educating their workers before they are migrated.

According to the Bureau of Emigration and Overseas Employment, only 2.2% of the migrant population can be considered as doing white collar jobs in their countries of destination. These include the doctors, engineers and teachers, etc. whereas the remaining un-skilled workers are not being paid much lower wages than a skilled or an educated migrant.

## Role of Parliamentarians in Addressing Migration Issues

Members of Parliament as part of their representative, oversight and legislative responsibilities can play a very important and leading role in addressing the issues related to migration. Some actions they can take include:

-  Adopting legislations for promoting migration and protecting migrant
-  Adopt resolutions to support bi-partisan commitment to developing effective migration policies
-  By holding government accountable through Parliamentary committees and constituting special Parliamentary committees to demand detailed information, data and reports on Pakistani migrant
-  By forming Parliamentary interest groups/caucuses to promote understanding of migration issues across party line
-  Promoting awareness among the civil society, citizens, and media on the significance and impact of migration in Pakistan at all public forums, in media and in parliament

## What can be done to improve the existing Regulatory Framework on Migration in Pakistan? Can Workers' Organizations or Unions play a role?

Policy makers and practitioners need to develop a comprehensive understanding of the phenomenon of migration in order to manage it effectively. A cooperative approach to international migration management is required to deal with the emerging migration issues in Pakistan. Policies and practices need to focus on promoting migration and protecting migrants.

## Role of Government Agencies

Some of the substantive areas where the Government of Pakistan can play a key role may include promoting migration through proactive policies, bilateral agreements with policy makers of countries of destination, aggressive marketing, relevant and qualitative education and skills development of intending migrants, resettlement of return migrants, proper use of remittances, etc. Following are some key recommendations:

-  An Inter-Ministerial and Tripartite Committee on Migration should be constituted which meets regularly to review, monitor and address related issues along with constitution of a Labour Ministerial group on migration
-  Bilateral agreements should be made with the host countries and steps should be taken for the better environment for workers and their families.
-  Regional grouping like ASEAN, SAARC, etc should develop a framework for promoting migration and protecting migrants which may include migration as part of the WTO process; International Labour Migration Information Systems, etc
-  Addressing employment and poverty issues
-  Programmes for training, education and skill enhancement of intending workers would help to increase the wages of the workers. In Philippines they have better trained workers which increases their demand in the market and in turn they get better paid jobs.
-  Agreements with business associations and chambers of commerce to promote migration
-  Exchange programmes and cooperation among Overseas Employment promoters
-  Facilitating overseas Pakistani Missions to support migrants in destination countries
-  The migration trends should be diversified and other possible alternates could be opened up to divert the stream of workers currently directed towards the Middle-East
-  Streamline Overseas Employment Promoters to facilitate safe and illegal migration and reduce the occurrence of unsafe and illegal migrant practices.
-  Returning migrants should have more avenues for reintegration and proper guidance and opportunities should be streamlined.

-  Workers' remittances should be used in a positive manner for the growth in economy.
-  Documentation and migrant information systems should be developed and steps should be taken to enter the data of return migrants as well. Pakistan as a country of origin should cooperate with destination countries to set up networks and databases designed to connect expatriates with projects, jobs, and other opportunities to be actively engaged with their home countries.
-  There should be excessive accountability procedures with the immigration personals as leakages are there due to which people manage to escape even after high security arrangements. Relaxation should not be offered for those involved in such activities and strict actions must be taken against them. Measures should be taken to note down the date of return migrants

## Role of Workers Organisations or Unions

Workers' organisations also play an extremely beneficial role for addressing the key issues faced by migrants. They have a platform where they can raise their voices about any problems faced by them. Such organizations can help migrant workers to get united and form discussion groups on their rights. The workers' organisations could later on work in co-ordination with the workers' unions of the countries of destination as well. The trade unions could also approach service providers, social groups and associations in the receiving countries to make strong coalitions to help migrant workers and recommendations could be made to the concerned authorities for further actions. Philippines could be taken as an excellent example when it comes to trade unions which are acting as 'watch dogs' and working efficiently in the processes of networking with the receiving countries organisations, educating their migrant class and putting up complaints in front of the masses and the policy makers.

Workers' organisations should play their role in lobbying for better working condition for migrant workers and building up more investment opportunities for return migrants. Government interaction with trade specific bodies could help through marketing agreements and activating Pakistani missions abroad.

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